

Senate Study Bill 1001

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CO=CHAIRPERSONS BEHN
and WARNSTADT)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to financial institutions, by prohibiting the
2 deceptive use of name, and providing remedies and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1492SC 81
5 eg/gg/14

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1 1 Section 1. NEW SECTION. 524A.1 DEFINITION.
1 2 As used in this chapter, unless the context otherwise
1 3 requires, "financial institution" means the same as defined in
1 4 section 527.2.
1 5 Sec. 2. NEW SECTION. 524A.2 MISUSE OF NAME == PENALTY.
1 6 1. A person who uses the name, trademark, logo, or symbol
1 7 of a financial institution in connection with the sale,
1 8 offering for sale, distribution, or advertising of any product
1 9 or service without the consent of the financial institution,
1 10 if such use is misleading or deceptive as to the source of
1 11 origin or sponsorship of, or the affiliation with, the product
1 12 or service, is guilty of a serious misdemeanor.
1 13 2. A financial institution may bring an action to enjoin
1 14 the misleading or deceptive use prohibited in subsection 1 and
1 15 recover all damages suffered by reason of the prohibited use,
1 16 including reasonable attorney fees. The financial institution
1 17 may recover any profits derived from the prohibited use. This
1 18 subsection does not preclude any other remedy provided by law.
1 19 EXPLANATION
1 20 This bill prohibits the misleading and deceptive use of a
1 21 financial institution's name, trademark, logo, or symbol.
1 22 Violators are guilty of a serious misdemeanor. A serious
1 23 misdemeanor is punishable by confinement for no more than one
1 24 year and a fine of at least \$250 but not more than \$1,500.
1 25 Financial institutions may seek to enjoin the prohibited use,
1 26 damages, and attorney fees.
1 27 LSB 1492SC 81
1 28 eg/gg/14